

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**R.M.S. TITANIC, INC.,
successor-in-interest to
Titanic Ventures, limited partnership,
Plaintiff,**

v.

Civil Action No. 2:93cv902

**THE WRECKED AND ABANDONED VESSEL,
ITS ENGINES, TACKLE, APPAREL,
APPURTENANCES, CARGO, ETC., LOCATED
WITHIN ONE (1) NAUTICAL MILE OF A POINT
LOCATED AT 41 43/ 32' NORTH LATITUDE
AND 49 56' 49" WEST LONGITUDE,
BELIEVED TO BE THE R.M.S. TITANIC
in rem,
Defendant.**

STATUS REPORT

The United States, as *amicus*, and on behalf of its National Oceanic and Atmospheric Administration ("NOAA"), provides the following updates to the Court.

1. *NOAA authorization for EYOS Expedition.*

On July 30, 2019, NOAA issued an Amended Authorization¹ to EYOS pursuant to Sec. 113 of the Consolidated Appropriations Act, 2017,² to permit certain research activities at the *Titanic* wreck site. *See* Amended Authorization (Titanic-2019-001-A1) attached hereto and

¹ The initial authorization authorized up to four dives at the wreck site. The amended authorization changed that to five dives; otherwise, the amended authorization remained identical.

² The Court will recall that Section 113 of the Consolidated Appropriations Act, 2017, Pub. L. No. 115-31 (May 5, 2017), provides that "no person shall conduct any research, exploration, salvage, or other activity that would physically alter or disturb the wreck or wreck site of the RMS Titanic unless authorized by the Secretary of Commerce per the provisions of the Agreement Concerning the Shipwrecked Vessel RMS Titanic [i.e., the International Agreement]." Department of Commerce Appropriations Act, 2017, Pub. L. 115-31, 131 Stat 135, 192 (2017).

dated July 30, 2019. The Amended Authorization is consistent with and no broader than the language of this Court's order of July 3, 2019. *See* ECF No. 554; Amended Authorization at 1-5.

2. *Publication of Federal Register Notice concerning Implementation of Sec. 113.*

On August 5, 2019, NOAA published a Notice in the Federal Register concerning the implementation of Sec. 113. *See* 84 FR 38012. A copy of the Notice is attached. *See also* <https://www.federalregister.gov/documents/2019/08/05/2019-16635/notice-of-partial-delegation-of-authority-to-the-under-secretary-of-commerce-for-oceans-and>.

The purpose of the Notice is to advise the Public of the delegation of partial authority under Sec. 113 from the Secretary of Commerce to the NOAA Administrator to authorize activities at the *Titanic* wreck and wreck site consistent with NOAA's previously issued guidelines and the Rules annexed to the International Agreement. The delegation of partial authority further authorizes the NOAA Administrator to take appropriate actions to carry out Sec. 113 consistent with the International Agreement, and provides the Public with direction on how to seek Sec. 113 authorizations.

The Notice specifically references and acknowledges this Court's continuing *in rem* jurisdiction over *Titanic*, and notes that any proposed salvage activity will require approval from this Court in addition to any NOAA authorization required by Section 113.

Coordinating With the United States District Court for the Eastern District of Virginia

The United States District Court for the Eastern District of Virginia ("the Court") has constructive *in rem* jurisdiction over RMS *Titanic* and has granted exclusive salvage rights to RMS *Titanic*, Incorporated ("RMST"). NOAA intends to notify the Court of any project that may require a Section 113 authorization and will encourage any person requesting authorization to coordinate directly with the Court and any salvor-in-possession of RMS *Titanic*. Any person proposing a project involving the salvage of *Titanic* wreck or wreck site, as determined by the Court, must also obtain approval by the Court in addition to any authorization required by Section 113. NOAA also intends to provide the Court with a copy of any authorization the NOAA Administrator issues pursuant to Section 113.

84 FR at 38013.

Respectfully submitted,

G. Zachary Terwilliger
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of August, 2019, I will electronically file the foregoing document with the Clerk of Court using the CM/ECF system, which will then send a notification of electronic filing (NEF) to the following:

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